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Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

**NATHANIEL J. APPLEFIELD,  
LISBETH APPLEFIELD,**

Plaintiffs,

v.

**PINNACLE ASSET GROUP, LLC,**

Defendant.

**Case No. 3:16-cv-00256-YY**

MOTION FOR DEFAULT JUDGMENT

**MOTION FOR DEFAULT JUDGMENT**

Comes now Plaintiffs, Nathaniel Applefield and Lisbeth Applefield, by and through their attorneys, Jacob D. Braunstein and Clarke Balcom, P.C., and hereby request the Court, pursuant to Rule 55(b)(1) of the Federal Rules of Civil Procedure, for the entry of a judgment by default against the defendant.

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The record in this case and the Declaration of Counsel submitted herein demonstrate that there has been a failure to plead or otherwise defend as provided by Rule 55(a) of the Federal Rules of Civil Procedure.

Respectfully submitted this 27th day of May 2016,

CLARKE BALCOM, P.C.

By: /s/ Jacob D. Braunstein

Jacob D. Braunstein, OSB No. 062849  
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Of Attorneys for Plaintiff

**Jacob D. Braunstein**, # 062849  
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**PINNACLE ASSET GROUP, LLC,**

Defendant.

**Case No. 3:16-cv-00256-YY**

DECLARATION OF COUNSEL IN  
SUPPORT OF MOTION FOR DEFAULT  
JUDGMENT

I, Jacob D. Braunstein, being first duly sworn, state the following:

1. I am the attorney for the Plaintiffs in the above-entitled action.
2. I make this Declaration in support of Plaintiff's Motion for Default Judgment.
3. A complaint was filed in the above-entitled case on February 11, 2016 and service of

process was had on the defendant on February 24, 2016.

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4. More than twenty-one days have elapsed since the defendant in this action was served, and the defendant has failed to plead or otherwise defend as provided by the Federal Rules of Civil Procedure.

5. The defendant has failed to appear, plead, request additional time within which to respond, or otherwise defend within the time allowed and, therefore, is in default.

6. On March 17, 2016, our office attempted to contact the defendant's registered agent, Raymond Stilwell, Esq., to determine if the defendant intended on appearing in this action.

7. On April 8, 2016, our office filed a Request for Entry of Default and served a copy upon the defendant's registered agent, Raymond Stilwell, Esq.

8. To date, our office has not received any communications from the defendant or its agents indicating that the defendant intends to appear in this action.

9. Plaintiffs' claims are not for a sum certain and a hearing may be necessary to determine the amount of damages.

**I hereby declare that the above statement is true and accurate to the best of my knowledge and belief, and that I understand it is subject to penalty for perjury.**

Respectfully submitted this 27th day of May, 2016.

CLARKE BALCOM, P.C.

By: /s/ Jacob D. Braunstein

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Of Attorneys for Plaintiffs

## CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing Plaintiff's MOTION FOR DEFAULT JUDGMENT and DECLARATION OF COUNSEL to be served on the following person(s):

Raymond C. Stilwell  
Law Offices of Raymond C. Stilwell  
4476 Main St., Suite 120  
Amherst, NY 14226

by the following indicated method or methods:

- by CM/ECF electronically mailed notice from the Court on the date set forth below.
- by mailing full, true and correct copies thereof in sealed, first class postage prepaid envelopes, addressed to the parties and/or their attorneys as shown above, to the last-known office addresses of the parties and/or attorneys, and deposited with the United States Postal Service at Portland, Oregon, on the date set forth below.
- by causing full, true, and correct copies thereof to be hand-delivered to the parties and/or their attorneys at their last-known office addresses listed above on the date set forth below.
- by sending full, true, and correct copies thereof, via overnight courier in sealed, prepaid envelopes, addressed to the parties and/or their attorneys as shown above, to the last-known office addresses of the parties and/or their attorneys, on the date set forth below.
- by faxing full, true, and correct copies thereof to the fax machines which are the last-known fax numbers for the parties' and/or attorneys' offices, on the date set forth below.

Dated: May 27, 2016.

/s/ Jacob D. Braunstein

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